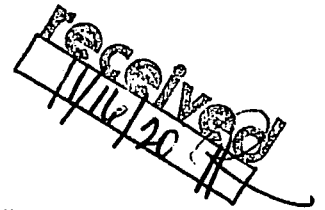


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Nov. 16, 2020 Case Number: 21-45

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Mathew Hay-Roc license # 6777

Premise Name: Deer Creek Animal Hospital

Premise Address: 3025 East Rose Garden Lane

City: Phoenix State: AZ Zip Code: 85050

Telephone: (602) 404-0066

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Svetoslav Nikov

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Leo
Breed/Species: Yorkshire Terrier
Age: 2 Sex: male Color: brown

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Matthew Hay-Roc is the vet that I want to file the complaint against.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: 

Date: 10/12/2020

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I brought my dog go get vaccination for Distemper and also issue an EU Health Certificate for travelling to Germany. When I made the appointment over the phone the Deer Creek Animal Hospital confirmed they can do that. At the time of the appointment I asked individually the receptionist, the assistant and the vet if they can do that and if they can also use Nobivac brand for the distemper vaccination and they all confirmed they can.

The doctor examined my dog and told me that I don't need a health certificate because the pet has an EU passport which is exactly the opposite of what the Germany embassy in US told me, what United Airline helpdesk told me and what USDA's web site shows. The doctor told me that he doesn't know how to issue that certificate and I don't need such a document and left. My dog was with me the whole time at the examination room and neither the vet nor anyone else vaccinated him. A few minutes later the assistant brought back my dog's passport with the stamps for vaccination and told me that I can leave. When I asked about the vaccination that was Never done and the health certificate, she took my dog and returned 30 seconds later stating that the vaccine was done.

I asked for the doctor to come and explain to me how he vaccinated my dog without even using a vaccine and why the brand on the passport is not Nobivac although everyone told me they will use that brand. The vet came back and told me to that he does not have time for me, he does not know how to issue an EU health certificate and that I will not be charged for today's visit. I asked for a manager and the reception desk referred me to one of their administrators. I had to Google the EU health certificate on one of their computers and show them what I need. After that they printed it and filled half of the information and told me that this is all they can do. When I tried to check out, they told me I need to pay \$93.52 for today's visit. When I asked them to show me on their cameras when my dog was vaccinated, they refused to do so and told me that they will not show me that told me that the vet never said any of these things and that my dog was vaccinated.

At this point I seriously doubt that this clinic is certified and if their doctors are certified or have the knowledge to provide health services to animals .

They laid to me about vaccinating my dog and the brand they are using, they do not know how to issue EU health certificates and I would appreciate if you investigate further my complaint.

Narrative Response from Practitioner

Case #21-65

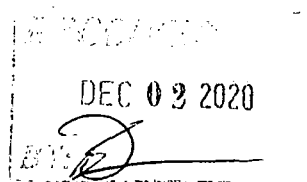
Date of events: 10/12/2020

My interaction with this client (in our files as Monika Dontcheva, the person who called to schedule the appointment/is the dog in question's owner) began at 11:42am on Tuesday October 12th 2020. I was informed that the owner wished to get a health certificate for travel to Germany, and that he would be leaving in two days.

My initial reaction was that this would not be possible, as most typical health certificates for international travel require a USDA APHIS VIS endorsement with the physical copy. This means sending a signed form along with prepaid shipping to the USDA's endorsement office in Washington state and receiving the endorsed certificate back prior to departure, unlikely even with overnight shipping.

I entered the exam room prepared to tell the client this, after having just reviewed the USDA's travel guidelines for Germany, a member nation of the EU, which was updated within the past 12 months, but then saw the owner had an EU pet passport. He had not mentioned he had one prior to the appointment, nor on the phone to anyone to my knowledge. Per USDA guidelines, I then informed the owner that we could in fact update his pet's distempervirus/parvovirus/adenovirus-2 (DA2P) vaccine booster and provide a physical exam, and he should be able to travel to the EU without any further treatments. The owner asked for a Nobivac to be administered, and I said we had a similar one. I then performed a physical exam on the patient present in the room with the owner, identifying only mild periodontal disease and all other findings on major body systems within normal limits. No evidence of any contagious or infectious illness being found, I then brought the patient with me to our treatment room and administered a DA2P vaccine after it was reconstituted, filled out the owner's provided airline pet travel form, and promptly returned him to the exam room.

After this was completed at 12:53pm, the owner started to become agitated, and began asking where his health certificate was. I said I had already filled out the required paperwork for travel, for both the EU pet passport and for the airline. I had already placed the vaccine label sticker in his pet passport, per instructions in the passport. He said I got it wrong and he needed another form signed. I then showed him the pet passport I had authorized, with a vaccine label, date and signature in appropriate places. I again went through the USDA's website information, showing the owner each part of the regulations that I am licensed to endorse. He then became very angry that the vaccine we administered was not a Nobivac brand DA2P vaccine after seeing the label. I apologized, and informed the client that although the vaccine used was not a Nobivac brand, it would provide comparable immunity to the vaccines against the same illnesses as he was previously protected against. He was insistent that this would not be allowed and that his pet would not get in and that I did not know what I was doing. I offered to sign a standardized USDA interstate health certificate as well for travel. He then refused, and showed me a PDF on his phone of an outdated travel certificate from German inspection authorities. I stated that if he thought he needed a health certificate similar to this one besides the already-endorsed EU Pet Passport, it would require USDA APHIS VIS endorsement to be deemed valid at any port of entry, per the posted updated regulations. O insisted on his form



being filled out in the office and taking it with him. I was attempting to email this PDF to our hospital email from the client's phone, while he was complaining about my incompetency to my face. At this point I was very frustrated and I left the room, and asked my practice manager and supervising veterinarian to intervene. I recognized that I was getting angry, and chose to step away from the situation and let the supervising staff of the hospital conclude the interaction. I then took a short lunch break and resumed seeing afternoon appointments while they concluded the visit, which took over an additional 90 minutes to resolve due to billing and documentation disputes; to my knowledge. I know that at one point the client was disputing that his dog even received a vaccine; the manager showed a screenshot of our video camera footage of the dog receiving his vaccine. His response to seeing the footage was that it was not his dog and must be someone else's. My supervising veterinarian, Suzanne Higgins, did provide a signature on the client's extra form once checking with me that the pet was in fact healthy.

Although my interaction with this particular client was limited to a single appointment, the physical examination and vaccination provided was conducted with the same standards of practice that have always been in place. Both my interaction and my hospital manager's interaction with this particular client were frustrating because not only did the client display open contempt for my knowledge of international travel laws per my USDA accreditation licensing, the client lied on multiple occasions during the course of the appointment.

The client also refused to listen when I attempted to explain that although our vaccine was not a Nobivac brand, it was a modified-live virus product protecting against exactly the same pathogens that were in the desired brand, similar to using a generic version of a brand-name medication.

I wrote a detailed communication note, as did my supervisor after the interaction was concluded, because of the contentious nature of this client's accusations while in our hospital. These statements will be provided. I will also be providing the AZVMB with a copy of our video footage of the client and his animal receiving the vaccine. The allegations present in this client complaint are blatantly false, and mis-characterize the interaction entirely. I practiced appropriate physical examination, vaccine administration, and knowledge as stipulated by my USDA accreditation. And when I did become frustrated, I removed myself from the situation to avoid any improper judgements or harsh words towards the client.

Matthew Hay-Roe



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair
Christina Tran, DVM - **Absent**
Carolyn Ratajack
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Beth Campbell, Assistant Attorney General

RE: Case: 21-65
Complainant(s): Svetoslav Nikov
Respondent(s): Matthew Hay-Roe, DVM (License: 6777)

SUMMARY:

Complaint Received at Board Office: 11/16/20
Committee Discussion: 6/8/21
Board IIR: 7/21/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

On October 12, 2020, "Leo," a 2-year-old male Yorkshire Terrier was presented to Respondent for a health certificate to Germany. Travel would be taking place in two days.

Complainant had a pet passport but wanted a health certificate as he had obtained information that one was required. He also specifically wanted the dog be vaccinated with a Nobivac vaccine.

Respondent disagreed with the requirements that Complainant stated was needed. He felt that the pet passport would be sufficient and the health certificate for international travel would not be able to be endorsed by APHIS VIS by the time of travel.

The dog was vaccinated and the pet passport was updated. Complainant became upset, did not believe that his dog was vaccinated, and felt Respondent was incompetent regarding his knowledge of health certificates.

At this point, Respondent felt it was best that his supervising veterinarian and staff assist the pet owner.

Complainant was noticed and did not appear.

Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Svetoslav Nikov*
- Respondent(s) narrative/medical record: *Matthew Hay-Roe, DVM*
- Witness(es) statement: *Deer Creek Animal Hospital staff*

PROPOSED 'FINDINGS of FACT':

1. According to Complainant, he contacted Respondent's premises to get his dog vaccinated and issue an EU health certificate for traveling to Germany. Additionally, Complainant wanted the Nobivac brand distemper vaccine. They confirmed they could provide the services requested therefore the appointment was scheduled.

2. On October 12, 2020, the dog was presented to Respondent for exam, vaccines, and a health certificate for international travel to Germany. Respondent was advised that the travel would be taking place in two days. Respondent stated that his initial reaction was that this would be impossible, as most typical health certificates for international travel require a USDA APHIS VIS endorsement with the physical copy. The process would likely not be able to be achieved, even with overnight shipping.

3. Respondent entered the exam room prepared to discuss this with Complainant, after having just reviewed the USDA's travel guidelines to Germany, which was updated within the last 12-months. At this time, Respondent saw that Complainant had an EU pet passport. Per USDA guidelines, he informed Complainant they could update the dog's DA2P vaccine booster and provide an exam, and the pet should be able to travel to the EU without further treatments. Complainant requested the dog be vaccinated with a Nobivac vaccine – Respondent stated they would use a similar one.

4. Respondent examined the dog and noted a weight = 4.5 pounds, a temperature = 102 degrees, a pulse rate = 120bpm and a respiration rate = 30rpm; BAR. There was generalized tartar with no recession. The rest of the dog's systems were listed as normal. Respondent took the dog into the treatment area and administered a DA2P vaccine, filled out the pet owner's provided airline pet travel form, and returned the dog to Complainant in the exam room.

5. Complainant got upset and asked where the health certificate was. Respondent explained that he already filled out the required paperwork for travel, for both the EU passport and for the airline. He placed the vaccine label sticker in the pet passport, per passport instructions. Complainant said that was not right and needed another form signed. Respondent showed Complainant the pet passport instructions which he complied with. He also went to the USDA's website and showed the pet owner each part of the regulations that he was licensed to endorse.

6. Complainant became angry that the vaccine was not a Nobivac brand and was insistent that the dog would not be allowed into Germany; he said Respondent did not know what he was doing. Respondent explained that the vaccine he administered would provide comparable immunity. Respondent offered to complete a standardized USDA interstate health certificate as well for travel – Complainant refused and showed Respondent an outdated travel certificate from German inspection authorities. Respondent explained to Complainant that if he thought he needed a health certificate similar to the one he showed Respondent besides the already-

endorsed EU pet passport, it would require USDA APHIS VIS endorsement to be deemed valid at any port of entry per the posted updated regulations. Complainant insisted on the form being filled out so he could take it with him. While Respondent was obtaining the PDF to comply with Complainant's request, Complainant complained about Respondent's incompetency to his face.

7. At this point, Respondent was frustrated and left the room. He asked his hospital manager and supervising veterinarian to take over Complainant's requests, as Respondent was getting angry. Dr. Suzanne Higgins and staff concluded the interaction with Complainant at this visit. After checking with Respondent that he examined the dog and it was healthy, she signed Complainant's extra form that he requested to be signed.

8. Complainant had disputed the fees as well as accusing Respondent of not vaccinating his dog. Complainant was shown video of the dog being vaccinated – he then said that the dog in the video was someone else's dog. After Complainant being at the premises an additional 90 minutes, he left the premises.

COMMITTEE DISCUSSION:

The Committee discussed that this was a case of two different interpretations of information. Respondent was clear on his information to Complainant of what was required to travel internationally with the dog.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division